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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,046	03/02/2004	Mi Ae Choi	34-49-0310P	9809
2292 7590 07/10/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MARANDI, JAMES R				
ART UNIT 2421		PAPER NUMBER		
NOTIFICATION DATE 07/10/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/790,046

Applicant(s)

CHOI, MI AE

Examiner

JAMES R. MARANDI

Art Unit

2421

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 17-34.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/James R. Marandi/
Examiner, Art Unit 2421

Continuation of 3. NOTE: Applicant argues that "Newell does not cure the deficiencies of Hamilton. Specifically, Newell does not disclose or suggest Applicant's claimed advertising image or advertising image path. Indeed, neither the words advertising nor image, nor synonyms thereof, are mentioned in Newell". Page 17 of Remarks, last Paragraph

As presented in office action of 1/6/2009, Hamilton discloses "an apparatus and a method for inserting and displaying one or more signals during processing and display delays encountered in digital STB receivers, including those delays encountered during channel changes. These signals can be advertisements, entertainment, or other messages." See Abstract.

Hamilton discloses that the signal to be displayed, in the event of a trigger such as changing of the channel ([14]), comprises static images, dynamic applets, animation, and advertisements ([16] - [19]).

Hamilton further discloses that the advertisements may be streamed ([15]). Since Hamilton discloses streams such as MPEG-2 (See Fig. 4, [32]), where user data 444 is extracted/separated from Audio 474, and video 472 (content the viewer has to wait for). The mechanics of this extraction was notoriously well known, within the art, at the time of invention, as reflected in AAPA ([2] - [31]). Furthermore, ATSC (pages 32-33, table 15.6) shows the syntax for the Service Data Table Byte (SDT) Structure (also shown in applicant's disclosure, Fig. 2, with addition of description to "service_private_data_byte"). The "service_private_data_byte" is reserved for recovering/indicating Network addresses such as Network Resource Tables (NRTs, including network addresses, URLs, etc., also shown in Fig. 12.1). As demonstrated by Newell (pages 4 and 5, section on Service Description Framework, and Fig. 3), the MPEG-2 transport streams are monitored for PIDs, from which SDT, NRT, and PMTs are extracted, tapped, and matched in order to separate programs, broadcast data (advertisements or other applications) and interactive data (advertisements, games, other applications). This clearly indicates awareness of local and remote file systems/server for extraction, storage, and further processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Hamilton (inserting one or more signals including advertisements) with Newell's invention (locating said signals/ advertisements/ files through within a file system/path) in order to provide flexibility for locating files/applications anywhere in the network while providing access to various local and remote applications..